

Merchant & Gould

An Intellectual Property Law Firm

**RECEIVED
CENTRAL FAX CENTER****NOV 03 2004**

Georgia-Pacific Center
133 Peachtree Street NE, Suite
4900
Atlanta, Georgia
30303-1821
TEL 404.954.5100
FAX 404.954.5099
www.merchant-gould.com

Fax Transmission | November 3, 2004

To: Commissioner of Patents From: Michael T. Lukon
Fax No.: 703.872.9306 Fax No.: 404.954.5099
Total Pages: 5 Phone No.: 404.954.5100
Confirmation Via Mail: ☐ Yes ☒ No E-Mail: mlukon@merchant-gould.com

Applicant:	Moton Jr. et al.	Examiner:	Cumming, W.
Serial No.:	09/739,340	Group Art Unit:	2683
Filed:	December 19, 2000	Docket:	60027.0407US01/BS00068
Title:	System and Method for Using Location Information to Execute an Action		

Title of document transmitted: **Response to Restriction Requirement and Appendix A**

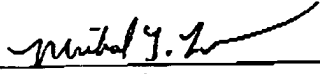
Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

By: 

Name: Michael T. Lukon

Reg. No.: 48,164

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on November 3, 2004.


Michael T. Lukon

This transmission contains information that is confidential and/or legally privileged. It is intended for use only by the person to whom it is directed. If you have received this telecopy in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us.

If you did NOT receive all of the pages, please call us in the U.S.A. at 404.954.5100 or fax us at 404.954.5099.

**RECEIVED
CENTRAL FAX CENTER****NOV 03 2004**

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Moton Jr. et al. Examiner: Cumming, W.
Serial No.: 09/739,340 Group Art Unit: 2683
Filed: December 19, 2000 Docket: 60027.0407US01/BS00068
Title: System and Method for Using Location Information to Execute an Action

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being facsimile transmitted to:
Commissioner for Patents, Attn: Examiner William D. Cumming, 703.872.9306, on November 3, 2004.

By:

Name: Michael T. Lukon

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 2231223-1450

Dear Sir:

This paper is being submitted in response to the communication mailed October 7, 2004. The Action states that "Applicants' attorney failed to respond to the election of species requirement in paragraphs 3-7 of the Office Action dated March 12, 2004." In the March 12, 2004 action, the Examiner has restricted the application and has required an election between claims 1-40, 51-60, or 61-64. In Applicants' response dated April 12, 2004, Applicants provisionally elected, with traverse, to prosecute the claims of Group I (claims 1-40). Applicants reaffirm the election to prosecute claims 1-40.

The current Action requires Applicants to elect from a number of species which the Examiner alleges to be patentably distinct. The Examiner states that claims 1, 6-8, 12-16, 21-23, 28-51, and 57-61 are generic. The Examiner states the following to be patentably distinct species of the claimed invention:

U.S. 09/739,340

The wireless device is a wireless telephone.

The wireless device is a interactive pager.

The wireless device is a handheld computer.

The wireless device is a personal digital assistant.

The location system and feature server is a GPS compatible components.

The location system and feature server is a GIS compatible components.

The location system and feature server is a WAP compatible components.

The action is executed via a wireless communication network.

The action is executed via a global computer network.

The action is executed via a PSTN.

The action is executed via a local area network.

The actions reports the statistics.

The action provides an estimated time of arrival.

The action dispatch a truck for a pickup.

The action monitors a speed.

The action logs.

The machine is an office equipment.

The machine is a home appliance.

The machine is a hand held computer.

While not in agreement with the Examiner's assessment, but in order to expedite the case,

Applicants elect the following:

- 1) The wireless device is a handheld computer;
- 2) The location system and feature server are GPS compatible components;
- 3) The action is executed via a global computer network; and,
- 4) The machine is a handheld computer.

Dependent claims 4, 9, 18, 25, and 64 are associated with Applicants' species election, and dependent claims 4, 9, 18, and 25 are associated with claims 1-40 corresponding to Applicants' election above, all of which are listed in Appendix A.

Applicants request an expedited action on the merits.